

# Newton County Animal Control Ordinance

87-12

## CHAPTER 1 Definitions

### Section 101 – Definitions

As used in this Ordinance, the terms below shall have the following meanings.

*Abandonment* – The voluntary relinquishment of possession by the owner with the intention of termination of his/her ownership, but without vesting possession in any other person. The failure to make adequate provision of food, water and shelter shall be Prima Facie evidence of abandonment.

*Adequate Enclosure Area* – A fenced enclosure adequately designed and maintained to secure the confinement and restraint of a vicious animal and capable of preventing its escape from the premises where it is held. An adequate enclosure area must be inspected and approved by the Newton County Animal Control Department.

*Animal Control Officer* – Any person who has been employed as such by the Board of Commissioners.

*Animal Shelter* – Any facility operated by a Humane Society or County agency, or its authorized agents, or operated under contract or agreement with the Board of Commissioners for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.

*At Large* – Off the premises of the owner while not under the control of the owner or other person by leash, cord, chain or other device of actual physical restraint or under the control of the accompanying owner or other person who has the ability to control the dog or cat by voice command.

*Dog, Cat or Animal* – Includes both male and female thereof.

*Identified Complaint* – A complaint in which the identity of the complainant is known to the Animal Control Officer, or County Police Department or Health Department of the County and whose identity will not be made public but held confidential.

*Kennel* – Any facility wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

*Nuisance* – Any one or more of the following conditions:

- A condition which arises by a dog chasing person, bicycles, automobiles or other moving vehicles on the streets or sidewalks of the County.
- A condition which arises by a dog, cat or other animal destroying, defacing or damaging shrubbery, lawns or flowers which results in the general discomfort of citizens in the neighborhood where such dog, cat or other animals are harbored.
- A condition which arises by a dog barking consistently so as to disturb the peace of the neighborhood.
- A condition which arises from the accumulation of animal excreta on the property of the owner, public or any other citizen so as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin or cause a health nuisance.

*Official Warning* – A written notice or warning based upon an identified complaint and given to the owner of a dog or cat or other animal by a Newton County Animal Control Officer, Newton County Sheriff's Deputy, Town Marshall or by an employee of the Newton County Health Department.

*Owner* – Any person owning, keeping, or harboring a dog, cat or other animal for a period of forty-eight (48) hours or longer.

*Pet Shop* – Any person, partnership, or corporation other than a kennel, that buys or sells any species of animal.

*Running in a Pack* – Three or more dogs, cats or other animals at large together, which, by repeated or continual presence, constitutes a physical danger to a neighborhood, livestock, personal or real property.

*Vicious Animals* – Any animal, of any kind, that has been known to have ever bitten, attacked, clawed, cornered, intimidated or inflicted significant physical injury upon a human being. This definition shall also include any animal known to have repeatedly physically attacked other animals without provocation.

*Warm Blooded-Animal* – Any animal that maintains a consistent body temperature; all mammals, including, but not limited to dog, cats, rats, squirrels, raccoons, skunks and foxes.

### **Section 102 – Wild Animals**

Wild animals includes: Red Fox (*Vulpes fulva*); Gray Fox (*Urocyon cinereovagrans*); Coyote (*Canis latrans*); Wolves and Hybrid Wolves (all species); Bears (all species); Wild Cats not including Feral Cats (all species); Elephants; Alligators; Crocodiles; Zebras; Giraffes.

- A wild animal does not include domestic animals

### **Section 103 – Domestic Animals**

Domestic animals as defined by IC15-2.1-2-15, means an animal that is not wild. The term is limited to:

- Cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus or other bird;
- An animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae or bison species; or
- An aquatic animal that may be the subject of aquaculture (as defined in IC4-4-3.8-1).

## **CHAPTER 2**

### **Licensing**

### **Section 201 – Collars & Tags**

All dogs and cats must wear ownership/ identification tags and collars at all times.

## **CHAPTER 3**

### **Restraint**

### **Section 301 – Dog/Cat at Large**

It shall be unlawful for an owner or person having custody or control of a dog or cat to allow such dog or cat to repeatedly run at large throughout the County so as to create a public nuisance. Provided that this requirement shall not apply to working farm dogs used for tending purpose, and dogs engaged in lawful hunting accompanied by the owner or custodian.

### **Section 302 – Enclosure of Animal in Heat**

All owners or persons having custody or control shall confine within a completely enclosed building or secure enclosure with no means of escape, any dog, cat or other animal when in heat or rutting.

### **Section 303 – Enclosure and Registration of Vicious Animal**

Any person residing within the territorial and jurisdictional limits of Newton County, Indiana, who possesses one or more animals defined by this Ordinance to be a "Vicious Animal", shall be required to abide by the following procedures:

1. The actual owner shall annually register each such animal with the Newton County Animal Control Office on or before June 1<sup>st</sup> of each year or within forty-eight (48) hours of bringing such an animal within the territorial limits of Newton County, Indiana.
2. The owner shall comply with the following requirements at the time of registration:
  - A. The owner shall pay a twenty-five dollar (\$25.00) registration fee per animal to be deposited in the Newton County Animal Control Registration Fund and to be used for the Administrative Cost and Expenses of monitoring and maintaining the regulations of this Ordinance.
  - B. The owner shall provide proof of a valid liability insurance policy at the time of registration, in the minimum amount of Two Hundred Thousand (\$200,000.00) dollars, which will provide insurance coverage to victims injured from a bite or attack by said animal and maintain this insurance policy in full effect and good standing at all times. The owner shall also sign, at the time of registration, a "Release of Information Form" granting Newton County Animal Control, or its designee, authority to contact the insurance company issuing this policy for the purpose of confirming and monitoring the validity of said insurance policy throughout the registration year.
  - C. The owner shall provide documentation at the time of registration establishing that their animal(s) has been inoculated against rabies within the preceding year.
  - D. The owner of a vicious animal shall continuously maintain such animal(s) within an "adequate enclosure area" as defined by this Ordinance.
  - E. The owner shall, when removing the animal from its adequate enclosure area, at all times restrain the animal by leash and muzzle, or in the



alternative, transport said animal in a secure travel cage designed for such purpose.

- F. The owner shall further, at the time of registration, provide the physical address where the animal is kept, an approximate description of nearby housing, neighbors and local children, a list of nearby schools, parks and public facilities and a written description or photograph of the area or facility where the animal shall be housed and confined. The area housing the registered animal must meet a reasonable standard of safety and durability with regard to the purpose of animal confinement and restraint. The criteria used to accept or reject a housing facility shall be based upon the characteristics, size and number of animals being registered with respect to the reliability of the physical structure.
  - G. The owner shall, at the time of registration, sign a Consent Form allowing Newton County Animal Control, or agents acting on its behalf, to enter upon said property at any time for the purpose of inspection and compliance with this Ordinance, and to further ensure that all animals defined by this section are adequately secured and confined.
3. Upon receiving and inspecting all required registration documentations, the Newton County Animal Control Director shall then review the application and approve or deny the registration. If denied, the Animal Control Director shall issue written findings explaining the basics for denial. If approved, the Animal Control Director shall forward a full copy of the registration information and descriptions to the Newton County Sheriff's Department, and if applicable, the local Town Marshall and Town Board President. The residence of the registered animal shall at all times be subject to the physical inspection and approval of Newton County Animal Control and its agents.
4. Regardless of obtaining a registration in compliance with this Ordinance, any animal determined by the Newton County Animal Control to have attacked, mauled, bitten or physically harmed a human being on more than one occasion; or to have done so on only one occasion but to a degree or level of ferocity so severe as to cause permanent disfigurement, multiple lacerations or a life threatening bite; or to have been trained or bred for the exclusive purpose of attacking human beings and/or fighting other dogs, shall not be permitted to be housed within the physical borders of Newton County and shall immediately be seized and destroyed upon discovery. Person(s) possessing or keeping such animals as described and regulated within this Ordinance, and failing to comply with any of the requirements contained herein, more than thirty (30) days after adoption and legal publication of this Ordinance, shall be in violation of its provisions and subject to a fine of One Hundred (\$100.00) dollars per day for

each and every day of noncompliance. Furthermore, any person(s) in violation of this Ordinance shall immediately be required to remove any and all animals under their ownership, authority, possession or control from within the territorial limits of Newton County, Indiana and shall thereafter not be permitted to possess such animals deemed vicious animals.

5. The Newton County Animal Control Office, the Newton County Sheriff's Department and any and all other duly authorized Law Enforcement Officers may issue an Appearance Ticket and Complaint, stating the date and time of the violation, the name and address of the person(s) violating this Ordinance, and ordering that person(s) to appear on a certain date and time in a Newton County Circuit or Superior Court for the purpose of a trial thereon, if contested. Pending trial on said complaint, the Newton County Animal Control, its designee and/or the Newton County Sheriff's Department, shall quarantine and impound any animal(s) and detain or destroy them as unwanted or stray animals if the owner or person possessing such animal does not agree to remove such animal(s) from within the territorial borders of Newton County, Indiana immediately. The owner or person possessing such animal(s) shall be liable for any costs, billing or charges incurred in the removal and boarding of any such animal(s) in the event of a violation of the provisions of this Ordinance.

#### **Section 304 – Animal Creating a Nuisance**

No owner shall fail to amend exercise, proper care and control of his/her animal so as to prevent the following action by them:

1. Molesting of passerby.
2. Chasing of passing vehicles or bicycles.
3. Attacking other domestic animals.
4. Trespassing upon private property or school grounds.
5. Damaging private or public property.
6. Habitual barking between the hours of 12:00 a.m. to 6:00 a.m., loud and continued noise which cause annoyance or disturbances to the neighborhood.
7. Unnecessarily foul or obnoxious odors which offend people in the neighborhood.

#### **Section 305 – Enclosure of Suspected Rabid Animal**

All owners shall confine within a completely enclosed building or secure enclosure with no means of escape, or as otherwise directed by the Newton County Health Department, any warm-blooded animal which has bitten, scratched or caused an abrasion of the skin of any human

being, or any warm-blooded animal that is known or suspected of being Rabid, in accordance with the provisions of Section 504 below.

#### **Section 306 – Trespassing of Animal or Controller**

It shall be unlawful for any owner or person having custody or control of any dog, cat or other animal to enter upon the private property of another person without consent.

#### **Section 307 – Damage or Injury to Person or Property**

It shall be unlawful for any owner or person having custody or control of any dog, cat or other animal to allow such dog, cat or other animal to scratch, bite or otherwise injure any person or other animal or to cause any damage or injury to the property of another person.

#### **Section 308 – Mistreatment of Police Dogs Prohibited**

It shall be unlawful for any person to willfully torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Newton County Sheriff's Department.

#### **Section 309 – Keeping of Wild Animals**

It shall be unlawful for any person, group of persons, business, partnership or corporation to keep, maintain, trade in or have in his/her possession or under his/her personal control within the boundaries of Newton County any poisonous reptile or other animal of a species not ordinarily domesticated by man which in a wild state rather carnivorous or not is, because of its nature or physical makeup, capable of inflicting serious harm or death to human beings, including but not limited to the following: *Bears, lions, tigers, leopards, wolves, hybrid wolves, elephants, cougars, primates, alligators, crocodiles and venomous snakes.*

- A. Upon the written complaint of any person or reasonable belief by any Law Enforcement Officer or County Official that any person, group of persons, business, partnership or Corporation is in violation of Section 309, the Newton County Animal Control, shall cause the matter to be investigated; and if after said investigation, the facts indicate that the said aforementioned species or animals banned in Section 309 is in fact being kept in violation, Newton County Animal Control will deliver written notice to such person to safely remove said animal from Newton County within seventy-two (72) hours after the delivery of said notice.

- B. Notice as herein provided shall not be required where said aforementioned animals have previously caused physical injury to any person, or have escaped and are at large, in which case the animal shall be immediately seized and impounded, or if in the course of seizing and impounding, the Animal Control Officer deems it necessary, said animal may be destroyed.

## **CHAPTER 4**

### **Animal Care**

#### **Section 401 – Provision of Care**

Every owner of an animal in Newton County shall see that his/her animal is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement, provide wholesome food and fresh water, protection from the weather, veterinary treatment, as may be necessary to prevent suffering. This section also applies to animals kept at Animal Shelters operated by the County, Humane Society or anyone acting on behalf of the County.

#### **Section 402 – Ill Treatment**

No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit a dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

#### **Section 403 – Abandonment**

It shall be unlawful for any owner of a dog, cat or any other animal to abandon said animal within Newton County.

#### **Section 404 – Public Disposal of Poison Liable to be Consumed by Animals**

It shall be unlawful for any person to throw or deposit any poisonous substance in any of the roads, parks, common yards or other places, whether public or private, within the County so that the same shall be liable to be consumed by an animal.

### **Section 405 – Removal of Dead Animals**

Any person who shall become apprised of the death of any dog or cat owned by him/her shall, within twelve (12) hours be responsible for the removal of said animal from the County. Stray dogs and cats will be picked up by the Newton County Animal Control.

### **Section 406 – Unwanted Pet**

Any resident of Newton County may turn in unwanted dogs or cats to the Newton County Animal Shelter. The person no longer desiring said animal shall pay the sum of fifteen (\$15.00) dollars per animal and in the case of kittens or puppies for a litter of the same, shall pay the sum of thirty (\$30.00) dollars. Animals transferred from outside Newton County to the Newton County Animal Shelter shall pay the sum of Twenty-five (\$25.00) dollars per animal and in the case of kittens/puppies, for a litter of the same, shall pay the sum of fifty (\$50.00) dollars.

### **Section 407 – Animal Wastes**

The owner of every animal shall be responsible for the immediate removal of any excreta deposited by his/her animal on public property or on the private property of others.

## **CHAPTER 5 Rabies Control**

Dogs and cats over the age of three (3) months must be vaccinated by a licensed Veterinarian for Rabies. Dogs and cats must be vaccinated yearly, except in the event the Veterinarian has administered a three (3) year rabies vaccine. Dogs and cats must wear a current rabies tag at all times attached to a properly fitted collar or harness.

### **Section 501 – Reporting of Animal Bites**

Every person, including Veterinarians, who know, learn or suspect that a warm-blooded animal has bitten, scratched or caused an abrasion of the skin of any human being, shall immediately report that fact to the Newton County Health Department. All reports must be submitted on a form approved by the Newton County Health Department entitled "Animal Bite Report". Upon receipt of an "Animal Bite Report", the Newton County Health Department and/or the Newton

County Animal Control Officer shall contact the owner of the animal and determine whether or not the animal is being confined as required by this Ordinance.

#### **Section 502 – Reporting of Suspected Rabid Animal**

Every person, including Veterinarians, who discover or suspect that a warm-blooded animal has rabies, shall immediately report such fact to the Newton County Health Department and/or the Newton County Animal Control Officer as well as the name and address of the owner of the animal.

#### **Section 503 – Confinement of Suspected Rabid Animal**

Any warm-blooded animal which has bitten, scratched or caused an abrasion of the skin of any human being and any warm-blooded animal that is known or suspected of being Rabid shall be confined for a period of not less than ten (10) days. All animals which are required to be confined shall be confined in a completely enclosed building or secure enclosure with no means of escape. If the owner cannot confine the animal in such a manner, then the animal will be confined in the Newton County Animal Shelter. The owner of any animal so confined shall pay the sum of Twenty-five (\$25.00) dollars per day. If any animal(s) that has bitten, scratched or caused an abrasion to any human being is not current on their Rabies vaccine, said animal must be quarantined at the Newton County Animal Shelter or Veterinarian's Office or facility designed and approved by the Newton County Animal Control Director. Prior to reclaiming their animal the owner shall be required to present a valid and up to date pre-paid Rabies receipt.

#### **Section 504 – Confinement of Suspected Rabid Animal of Unknown Ownership**

If any warm-blooded animal has bitten, scratched or caused an abrasion to a human being or is known or suspected of being Rabid, and its owner is unknown or refuses to confine the animal as required herein, then the animal shall be confined at the Newton County Animal Shelter or destroyed as required by Section 507. The owner, if known, or later found to be known, of any animal so confined shall be responsible for the cost of confinement and any fees incurred from Section 507.

#### **Section 505 – Sale or Transfer of Suspected Rabid Animal**

It shall be unlawful for the owner of any warm-blooded animal, when notified that such animal has bitten, scratched or caused an abrasion of the skin of any human being or when notified by



taken beyond the limits of Newton County, but it shall be the duty of the owner upon receiving such notice to confine or to cause confinement of the animal for at least ten (10) days as set forth herein.

#### **Section 506 – Release from Quarantine**

After the expiration of at least ten (10) days of confinement and after the Newton County Health Department determines that the animal is no longer suspected of being rabid, the animal may be released from confinement. The owner of the animal is responsible for the cost of the quarantine confinement.

#### **Section 507 – Extermination of Rabid Animal**

If it should be determined that the animal is rabid, then it shall be killed in a humane manner. The head of the animal is to be removed and transported to the State Board of Health. The cost of the removal of the head and transportation of the head shall be the responsibility of the owner. If the owner is unknown or refuses to pay the cost of removal of the head and transportation of the head then Newton County Animal Control shall be responsible for the cost.

#### **Section 508 – Death of Animal during Confinement**

If any animal shall die while being confined as required by this Chapter, the head of the animal shall be removed by a Veterinarian and/or Newton County Animal Control Officer and transported to the State Board of Health. The cost of removal of the head and transportation of the head shall be the responsibility of the owner. If the owner of the animal is unknown or refuses to pay the cost of removal of the head and transportation of the head, and the animal is a dog or cat, then Newton County Animal Control shall be responsible for these costs.

### **CHAPTER 6 Impoundment**

#### **Section 601 – Establishment of Animal Pound or Shelter**

The Board of Commissioners shall arrange for use of an animal pound or shelter, as provided in Indiana law, which shall be located at some convenient place within the County.



### **Section 602 – Cause for Impoundment**

It shall be the duty of the Animal Control Officer, or any member of the Sheriff's Department or any Town Marshall to apprehend and impound in such animal shelter any dog, cat or any other animal found doing any of the following acts or being kept or maintained in any of the following conditions, unless provided herein:

- A. Running at large, not conforming to Section 301.
- B. Not confined, as provided in Sections 302, 303 and 305.
- C. Kept in violation of Sections 301 and 402.
- D. Abandoned, as provided in Section 403.
- E. Entering private property or causing injury to person or property in violation of Sections 306 and 307.
- F. Upon the verified written complaint made to the Newton County Animal Control, the Newton County Health Department, the Newton County Sheriff's Department or any Town Marshall of a violation of this Ordinance.
- G. Upon order of the Newton County Court following a conviction of any person for violating any provision of this Ordinance.

### **Section 603 – Official Warning in Lieu of Impoundment**

The provisions of Section 602, above, notwithstanding, in lieu of impounding any animal under Section 602, above, the Newton County Animal Control Officer or any member of the Newton County Sheriff's Department or Town Marshall may issue an official warning to the owner of such dog, cat or other animal in accordance with the provisions of Chapter 7, below.

### **Section 604 – Notification of Impoundment**

Not later than Twenty-four (24) hours after the impounding of any dog, cat or other animal, except if such impoundment is by reason of Section 602(G), of this Chapter, the Newton County Animal Control Officer shall notify the owner, if known, by ordinary United States Mail or by telephone, of such impoundment and the reason therefore. In the event that the owner is unknown, no notification will be deemed necessary.

### **Section 605 – Notification and Redemption of Impounded Animal**

At the time of giving notice to the owner of an impounded dog/cat or other animal as required by Section 604, above, such owner shall also be notified whether such dog, cat or other animal may be reclaimed and redeemed. The decision to whether an impounded dog, cat or other animal

may be redeemed shall be made by the Animal Control Officer, in such officer's sole discretion giving due consideration to the reason for impounding.

#### **Section 606 – Fees for Redemption of Impounded Animal**

An owner of an impounded dog/cat or other animal, who has been notified that such dog, cat or other animal may be reclaimed and redeemed, may reclaim and redeem the same upon payment of the following fees and upon fulfillment of the following obligation:

- A. If the dog, cat or other animal has been picked up or captured by a Newton County employee, police person or other authorized agent of Newton County, the owner shall pay a redemption fee of Fifteen (\$15.00) dollars, except for the case in which the impounded animal is a female in season that has not been restrained in accordance with Section 302, in which case the owner shall pay a redemption fee as provided.
- B. In addition to the payment required in Section 606(A), above any person, firm, agency or corporation operating such animal shelter under contract or agreement with the Board of Commissioners may charge a boarding fee of Ten (\$10.00) dollars for each day or part thereof that the animal shall be impounded and an impoundment fee to help defray cost of handling and record keeping.
- C. Notwithstanding any other provisions of this Ordinance, no dog, cat impounded shall be released if such dog or cat has not been registered, if deemed vicious, and tagged as provided in this Ordinance and by Indiana State Law, until such requirements have been satisfied. In addition, if the impounded dog or cat is not required to be registered before the dog or cat shall be released; the owner shall have the dog or cat inoculated against rabies, and certify the same to the Newton County Animal Control Officer.

#### **Section 607 – Failure to Redeem Impounded Animal**

It shall be unlawful for an owner of an impounded dog, cat or other animal, who has been notified that such dog, cat or other animal may be reclaimed and redeemed, to fail to reclaim and redeem the same on or before the last day of impoundment before disposition of such dog, cat or other animal under Section 608, below.

#### **Section 608 – Impounded Animals not Registered, Tagged or Redeemed**

All dogs, cats or other animals impounded under this Ordinance and not registered, tagged and redeemed shall be disposed of in a humane manner after the expiration of the following time periods:

- A. Three (3) days after the notice is given to the owner as required under Section 604, above;
- B. Five (5) days after the impoundment when the owner is unknown; or
- C. At the time fixed by the Courts under Section 602, above. Provided, however that any dog, cat or other animal which appears to be suffering from mange, infectious or contagious disease, except rabies, or injured may be disposed of immediately upon impoundment as determined by a licensed Veterinarian. Any animal destroyed which is believed to be suffering from mange or other infectious disease shall be forthwith reported by the Newton County Animal Control Officer to the Newton County Board of Health, unless otherwise provided by Indiana Law. All animals believed to be suffering from rabies shall be handled in a manner specified in Chapter 5 of this Ordinance.

#### **Section 609 – Extermination of Vicious Animals**

Whenever the Newton County Animal Control Officer or Newton County Sheriff's Department or Town Marshall shall find any dogs, cats or other animals running in packs, vicious or in such a condition as to be too dangerous to capture then the Newton County Animal Control Officer or Newton County Sheriff's Department or Town Marshall is authorized to dispose of such animals where they may be found.

#### **Section 610 – Prohibition of Experimentation on Impounded Animals**

No impounded animal shall be sold or given to any person, procurer or agent for the purpose of experimentation.

### **CHAPTER 7 Enforcement**

#### **Section 701 – Enforcing of Ordinance**

The Newton County Animal Control Officer, and/or any dually authorized member of the Newton County Sheriff's Department or Town Marshall will have the full and unrestricted authority to enforce this Ordinance.

### **Section 702 – Interference with Official**

It shall be a violation of this Ordinance to interfere with the Animal Control Officer, or any member of the Sheriff's Department or Town Marshall in the performance of his/her duties hereunder.

### **Section 703 – Record of Impounded Animals**

The Animal Control Officer shall keep a record of all dogs, cats and other animals impounded in the County Animal Shelter, which record shall show the date of impoundment, the reason thereof, name of the person bringing the animal to the pound and the kind, sex, color, breed and any identifying collars, tags, tattoos, or marks of the animal impounded.

### **Section 704 – Official Warning or Notice of Ordinance Violation**

Upon information sufficient to establish a violation of the provisions of this Ordinance, the Newton County Animal Control Officer, the Newton County Health Department, or any member of the Sheriff's Department or Town Marshall may issue to the person committing such violation, or to the owner or person having custody or control of any animal involved in such violation, either:

- A. An official warning stating the name of the person to whom the warning is being issued, the nature of the violation, the date of the violation and any other pertinent information concerning the violation. Such official warning shall also state that it is only a warning and is neither a notice of Ordinance violation nor a notice to appear to answer to any such violation; or
- B. A notice of Ordinance violation stating the name of the person to whom the notice is being issued, the nature of the violation, the specific section of this Ordinance which has been violated, the fine imposed for such violation in accordance with Section 705, below, and any other information which is relevant to the violation and necessary for a thorough understanding of the circumstances surrounding such violation. Such notice of Ordinance shall instruct the person to whom the violation is being issued that he or she shall appear at the Newton County Animal Control office to answer such violation.

### **Section 705 – Fines**

Any person who violates the provisions of this Ordinance and if such violator appears at the Newton County Animal Control Office within five (5) days of the date of the notice of Ordinance violation, such violator shall pay a fine as follows:

<b>VIOLATION</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b> <i>Within 12 months of previous offense.</i>	<b>3<sup>rd</sup> Offense</b> <i>or subsequent Within 12 months of first offense.</i>
<b>Chapter 3</b>			
Section 301	\$20.00	\$50.00	\$100.00
Section 302	\$20.00	\$50.00	\$50.00
Section 303	\$25.00	\$50.00	\$50.00
Section 304	\$20.00	\$50.00	\$50.00
Section 305	\$25.00		
Section 306	\$20.00	\$50.00	\$100.00
Section 307	\$25.00	\$50.00	\$50.00
Section 308	\$50.00	\$100.00	\$150.00
Section 309	\$50.00	\$100.00	\$150.00
<b>Chapter 4</b>			
Section 401	\$25.00		
Section 402	\$25.00		
Section 403	\$25.00		
Section 404	\$25.00		
Section 405	\$25.00		
Section 407	\$20.00	\$50.00	\$50.00
<b>Chapter 5</b>			
Rabies	\$25.00		



Quarantine Fee	\$25.00 per day (Sec. 503)
Redemption Fee	\$15.00 (Sec. 606)
Boarding Fee	\$10.00 (Sec. 606)

The fines collected shall be transferred to the Newton County Animal Control Fund, Newton County, Indiana.

Euthanasia fees shall be Forty-five (\$45.00) dollars per dog and Twenty-five (\$25.00) dollars per cat and this service may be provided by the Newton County Animal Control at the animal owner's written request.

Protected Custody Reclaim Fee shall be Fifty (\$50.00) dollars in addition to any and all other fines and costs established by this Ordinance and shall be applied in those cases where an animal has been delivered or taken into protective custody as a result of the criminal arrest of its owner or person having custody of the animal. In such cases the owner or his/her representative must physically reclaim the animal within five (5) days or it shall become subject to adoption or destruction.

#### **Section 706 – Failure to Pay Fines**

If a violator fails to appear or contact Newton County Animal Control within five (5) days of the date of notice of the Ordinance violation, such violation may be filed with the Newton County Court or the successor Court and such violator may be summoned to appear before such Court.

#### **Section 707 – Penalties**

Any person violating any provisions of this Ordinance, upon conviction or a plea of guilty in the Newton County Court, or any successor Court, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than the amount shown in Section 705, above, for the respective Ordinance violation nor more than Five Hundred (\$500.00) dollars. If any violation be continuing each day's violation shall be deemed a separate violation, unless otherwise provided by Indiana Law.

#### **Section 708 – Restitution**

In addition to the fines set herein, any person who violates the provisions of Section 307, shall make full restitution for any damage or injury to persons or property as a result of such violation,

including, but not limited to, medical expenses, the value of any property which has been destroyed and the cost of repairing any damage to property.

#### **Section 709 – Live trap rental**

Newton County Animal Control Officer may rent Live-traps for the trapping of wildlife to Residents of Newton County for the person paying a deposit of \$20.00 which shall be refunded on the return of the trap with a \$1.00 per day for rental.

#### **Section 710 - Donations**

All monies received by private donors for the furtherance of Newton County Animal Control will be deposited into a separate account known as the Animal Control Donation Fund. Monies may be expended from said fund at the sole discretion of the Newton County Animal Control Director and two (2) Newton County Commissioners.

## **CHAPTER 8**

### **Applicability of Provisions**

#### **Section 801 – Applicability of Provisions to Incorporated Areas**

Except for the provisions of Chapter 4 herein, which shall apply throughout Newton County, the provisions of this Ordinance shall not apply within the Corporate Limits of any Corporate Towns within Newton County which by law has given express authority to regulate animals. If, however, any such Town shall request the Newton County Animal Control Department to enforce provisions of this Ordinance within the Corporate Limits of said Town, then the provisions of this Ordinance shall apply within such area and such Town shall make arrangements with Newton County for the enforcement and administration by the Newton County Animal Control Office through the collection of said fines. The fines are to be paid at the Newton County Animal Control Office. All fines collected shall be transferred to the Newton County Animal Control Fund, Newton County, Indiana.



## CHAPTER 9 General Provisions

### Section 901 – Severability

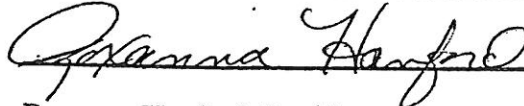
Should any term, provision or paragraph of this Ordinance be declared to be legally unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be unconstitutional or invalid.

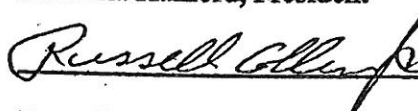
### Section 902 – Conflicting Provisions

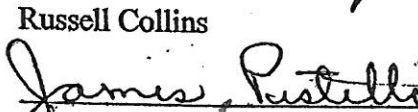
Should any provisions of this amendment conflict with or contravene other Sections of this Ordinance, the provisions and intentions of this amendment shall prevail. This amendment shall be effective upon passage and publication as required by Law.

ALL OF WHICH IS HEREBY ORDAINED AND AMENDED THIS 21 DAY OF  
Dec, 2009.

#### NEWTON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Roxanna Hanford, President

  
\_\_\_\_\_  
Russell Collins

  
\_\_\_\_\_  
James Pistello

Attested by:

  
\_\_\_\_\_  
Patricia Carlson, Auditor

Patricia Carlson, Auditor

**ANIMAL CONTROL ORDINANCE AMENDMENT**

**An Amendment to Section 303 of Newton County Ordinance 87-12**

The Newton County Board of Commissioners hereby *ORDAINS* that:

WHEREAS the Citizens of Newton County have experienced an increase in the amount of attacks and altercations arising from the presence of certain and specific breeds of unrestrained canines within the County; and

WHEREAS specific and recent case analysis and information provided to the Board of Commissioners by the Newton County Animal Control and its Officers supports the conclusion that particular breeds of canine and their offspring, when not properly trained, cared for, and confined, demonstrate a propensity towards aggression and thereby pose a physical threat to the residents of Newton County; Therefore

BE IT ORDAINED this 22nd Day of February, 2005, by the Newton County Board of Commissioners that it is necessary, in order to protect the safety, health and welfare of the residents of Newton County, to regulate the boarding of particular and specific breeds of canine considered to be inherently dangerous and vicious by amending Newton County Animal Control Ordinance, Number 87-12, to read as follows:

CHAPTER 1. DEFINITION OF TERMS

M. VICIOUS ANIMAL: For the purposes of this Ordinance, the term "*Vicious Animal*" shall be defined as any animal, of any kind, that has been known to have ever bitten, attacked, clawed, cornered, intimidated or inflicted significant physical injury upon a human being. This definition shall also include any animal known to have repeatedly physically attacked other animals without provocation.

**O. ADEQUATE ENCLOSURE AREA:** For the purposes of this Ordinance, the term "*Adequate Enclosure Area*" shall be defined as a fenced enclosure adequately designed and maintained to secure the confinement and restraint of a vicious animal and capable of preventing its escape from the premises where it is held. An adequate enclosure area must be inspected and approved by the Newton County Animal Control Department.

**Section 303. Enclosure and Registration of Vicious Animals.**

Any person residing within the territorial and jurisdictional limits of Newton County, Indiana, who possesses one or more animals defined by this ordinance to be a "vicious animal" shall be required to abide by the following procedures:

1. The actual owner shall annually register each such animal with the Newton County Animal Control Office, on or before June 1<sup>st</sup> of each year, or within 48 hours of bringing such an animal within the territorial limits of Newton County, Indiana;
2. The owner shall comply with the following requirements at the time of registration:
  - A. The owner shall pay a \$25.00 registration fee per animal to be deposited in the Newton County Animal Control Registration Fund and to be used for the administrative costs and expenses of monitoring and maintaining the regulations of this Ordinance;
  - B. The owner shall provide proof of a valid liability insurance policy at the time of registration, in the minimum amount of \$200,000.00, which will provide insurance coverage to victims injured from a bite or attack by said animal and maintain this insurance policy in full effect and good standing at all times. The owner shall also sign, at the time of registration, a Release of

Information Form granting Newton County Animal Control, or its designee, authority to contact the insurance company issuing this policy for the purpose of confirming and monitoring the validity of said insurance policy throughout the registration year.

C. The owner shall provide documentation at the time of registration establishing that their animal has been inoculated against rabies within the preceding year;

D. The owner of a vicious animal shall continuously maintain such animal( s) within an "adequate enclosure area" as defined by this Ordinance.

E. The owner shall, when removing the animal from its adequate enclosure area, at all times restrain the animal by leash and muzzle, or in the alternative transport said animal in a secure travel cage designed for such a purpose.

E. The Owner shall further, at the time of registration, provide the physical address where the animal is kept, an approximate description of nearby housing, neighbors and local children, a list of nearby schools, parks, and public facilities, and a written description or photograph of the area or facility where the animal shall be housed and confined. The area housing the registered animal must meet a reasonable standard of safety and durability with regard to the purpose of animal confinement and restraint. The criteria used to accept or reject a housing facility shall be based upon the characteristics, size, and number of animals being registered with respect to

the reliability of the physical structure.

F. The owner shall, at the time of registration, sign a Consent Form allowing Newton County Animal Control, or agents acting on its behalf, to enter upon said property at any time for the purposes of inspection and compliance with this Ordinance, and to further ensure that all animals defined by this section are adequately secured and confined.

3. Upon receiving and inspecting all required registration documentation, the Newton County Animal Control Director shall then review the application and approve or deny the registration. If denied, the Animal Control Director shall issue written findings explaining the basis for denial. If approved, the Animal Control Director shall forward a full copy of the registration information and descriptions to the Newton County Sheriff's Department, and if applicable, the local Town Marshall and Town Board President. The residence of the registered animal shall at all times be subject to the physical inspection and approval of Newton County Animal Control and its agents.
4. Regardless of obtaining a registration in compliance with this ordinance, any animal determined by the Newton County Animal Control to have attacked, mauled, bitten, or physically harmed a human being on more than one occasion; or to have done so on only one occasion but to a degree or level of ferocity so severe as to cause permanent disfigurement, multiple lacerations, or a life threatening bite; or to have been trained or bred for the exclusive purpose of attacking human beings and/or fighting other dogs, shall not be permitted to be housed within the physical borders of

Newton County and shall immediately be seized and destroyed upon discovery. Persons possessing or keeping such animals as described and regulated within this Ordinance, and failing to comply with any of the requirements contained herein, more than thirty (30) days after the adoption and legal publication of this Ordinance, shall be in violation of its provisions and subject to a fine of \$100.00 per day for each and every day of non compliance. Furthermore, any person in violation of this Ordinance shall immediately be required to remove any and all animals under their ownership, authority, possession, or control from within the territorial limits of Newton County, Indiana and shall thereafter not be permitted to possess such animals, deemed vicious animals.

The Newton County Animal Control Office, the Newton County Sheriffs Department and any and all other duly authorized Law Enforcement Officers may issue an Appearance Ticket and Complaint, stating the date and time of violation, the name and address of the person violating this Ordinance, and ordering that person to appear on a certain date and time in a Newton County Circuit or Superior Court for the purpose of a trial thereon, if contested. Pending trial on said Complaint, the Newton County Animal Control, its designee, and/or the Newton County Sheriffs Department, shall quarantine and impound any animals and detain or destroy them as unwanted or stray animals if the owner or person possessing such animals does not agree to remove such animals from within the territorial borders of Newton County, Indiana immediately. The owner or person possessing such animals shall be liable for any costs, billings, or charges incurred in the removal and boarding of any such animals in the event of a violation of the provision of this Ordinance.

## CHAPTER 7. ENFORCEMENT

III-1-2-2-3F

### **Section 705. Fines**

QUARANTINE FEES shall be \$25.00 per day and owners shall be required to present a valid and up to date pre-paid Rabies Receipt prior to reclaiming their animal.

ANIMALS QUARANTINED in Newton County for any reason must be quarantined at a facility or veterinarian's office designated and approved by the Newton County Animal Control.

INTAKE FEES shall be \$25.00 per day for all animals transferred from outside Newton County to the Newton County Animal Control Shelter.

EUTHANASIA FEES shall be \$45.00 per dog and \$25.00 per cat and this service may be provided by the Newton County Animal Control at the animal owner's written request.

PROTECTED CUSTODY RECLAMATION FEE shall be \$50.00 in addition to any and all other fines and costs established by this Ordinance and shall be applied in those cases where an animal has been delivered or taken into protective custody as a result of the criminal arrest of its owner. In such cases the owner or his or her representative must physically reclaim the animal within five (5) days or it shall become subject to adoption or destruction.

## CHAPTER 9. GENERAL PROVISIONS

### **Section 901. Severability**

Should any term, provision, or paragraph of this Ordinance be declared to be legally unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be unconstitutional or invalid.



**Section 902. Conflicting Provisions**

Should any provisions of this amendment conflict with or contravene other sections of this Ordinance, the provisions and intentions of this amendment shall prevail.

This Amendment shall be effective upon passage and publication as required by law.

*ALL OF WHICH IS HEREBY ORDAINED AND AMENDED* this 22<sup>nd</sup> Day of February, 2005

**NEWTON COUNTY  
COMMISSIONERS**

  
\_\_\_\_\_  
RUSSELL COLLINS, President

  
\_\_\_\_\_  
MATTHEW GIBSON

  
\_\_\_\_\_  
JAMES PISTELLO

Attest:   
\_\_\_\_\_  
PATRICIA CARLSON  
NEWTON COUNTY AUDITOR